



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)

Response questionnaire project group Timeliness

Hoge Raad voor de Justitie / Conseil supérieur de la Justice (Belgium)

1. The Court System and Available Statistics

1.1. The Court System



1.2. Statistic information on Courts, judges and cases

At the end of 2009, we had in Belgium 1.627 judges and 833 Public Prosecutors. There are also more or less 2.300 Deputy Judges, most of them are lawyers. They work (without being paid) as judges every time that the titular judge can't do a hearing (because of illness, holidays or conflict of interest).

At the end of 2009, the number of pendant civil cases were 455.180 at the Justices of Peace, 25.173 at the Police Judges (dealing with accidents on the roads), 71.591 at the Commercial Judges, 97.317 at the Labour Judges (social rights) and 137.807 at the Courts of First Instance. In the statistics, we see that more cases are finished than new cases entered.

40.133 cases were entered at the Court of Appeal and 3.145 at the Court of Cassation (Supreme Courts).

1.3. Statistic information on processing time

There are no official statistics available about processing time. Statistics about processing time are internal court information. The usual time for a case in first instance is one year and a half (with a peak of two years and a half for some big courts) and one year in appeal (with a peak of three years for some big courts).

2. **Statistics, Requirements and Transparency**

2.1. What statistics are provided for on a regular basis?

On regular basis, the Ministry of Justices provides every year statistics about the number of judges, cases, budget ...

2.2. Are provided statistics published?

Yes, on the web site of the Ministry of Justice.

If not published, to whom are they available?

Is bench marking encouraged? No

2.3. Is processing time of individual cases transparent?

The parties in procedures know the time their case will take (see below).

2.4. Are requirements for processing time stipulated?

According to procedural law, cases should take more or less 6 months, but this is only a kind of wish, because there are no consequences of exceeding this processing time.

2.5. What are the consequences of exceeding required/reasonable processing time according to national rules or practice?

If reasonable processing time is exceeded, it is possible that the Courts decide that such long processing times are a fault of the Belgian state and that they condemn the Belgian state to compensate. In order to get such compensation, it is necessary, that the processing time is very long (more than 4 or 5 years) and that the parties prove that that did everything they could do in order to get a date for hearing.

A judge can also be condemned, if he hasn't pronounced a judgement between the six months after the hearing.

2.6. Can the parties and others make a complaint about the processing time?

If so to whom?

Yes, they can complain to the concerned court and to the High Council of Justice.

2.7. Are user surveys on processing time carried out?

If so how often?

No.

3. Reduction of Caseload and Facilitating Court Procedures

3.1. Which means of reduction of caseload are used?

There are no official means of reduction of caseload in First Instance. There is a limitation by means of value of the case for appeal and there are special lawyers for the Supreme Court, who only introduce a case if the chances of success are very high.

3.2. Are any special easy procedures available?

There are so called urgent procedures, with shorter delays in urgent cases.

3.3. What simplifications of ordinary procedures are applied?

3.4. Give examples of practices used within ordinary procedures to speed up ordinary procedures.

We now have a system in which, at the first hearing, the judge fixes the dates on which the parties must communicate to him and the other parties her written statements about the claim and the documents they want to use as proves. He also directly gives the date for the final hearing of the case. If the statements or documents aren't communicated within the delays, the judge doesn't have the right to use them in order to find a solution for the case.

4. Increase of Capacity and Improvement of Processing

4.1. Do you try to limit processing time by an increase of courts or increase or reallocation of judges or cases? **Not yet.**

4.2. Do you try to limit processing time by taking on assistance from deputy judges, trainee judges, or juridical assistants? **Yes, we have deputy judges and legal assistants.**

Do you try to limit processing time by facilitating processing of cases? **No**

4.3. Do you try to limit processing time by giving secretary or juridical assistance to individual judges? **Yes, at every court, we have legal assistants, who prepare the cases and do some research work.**

4.4. Do you try to improve court proceedings or increase the capacity of courts by any scientific, experimental or technical project? **No**

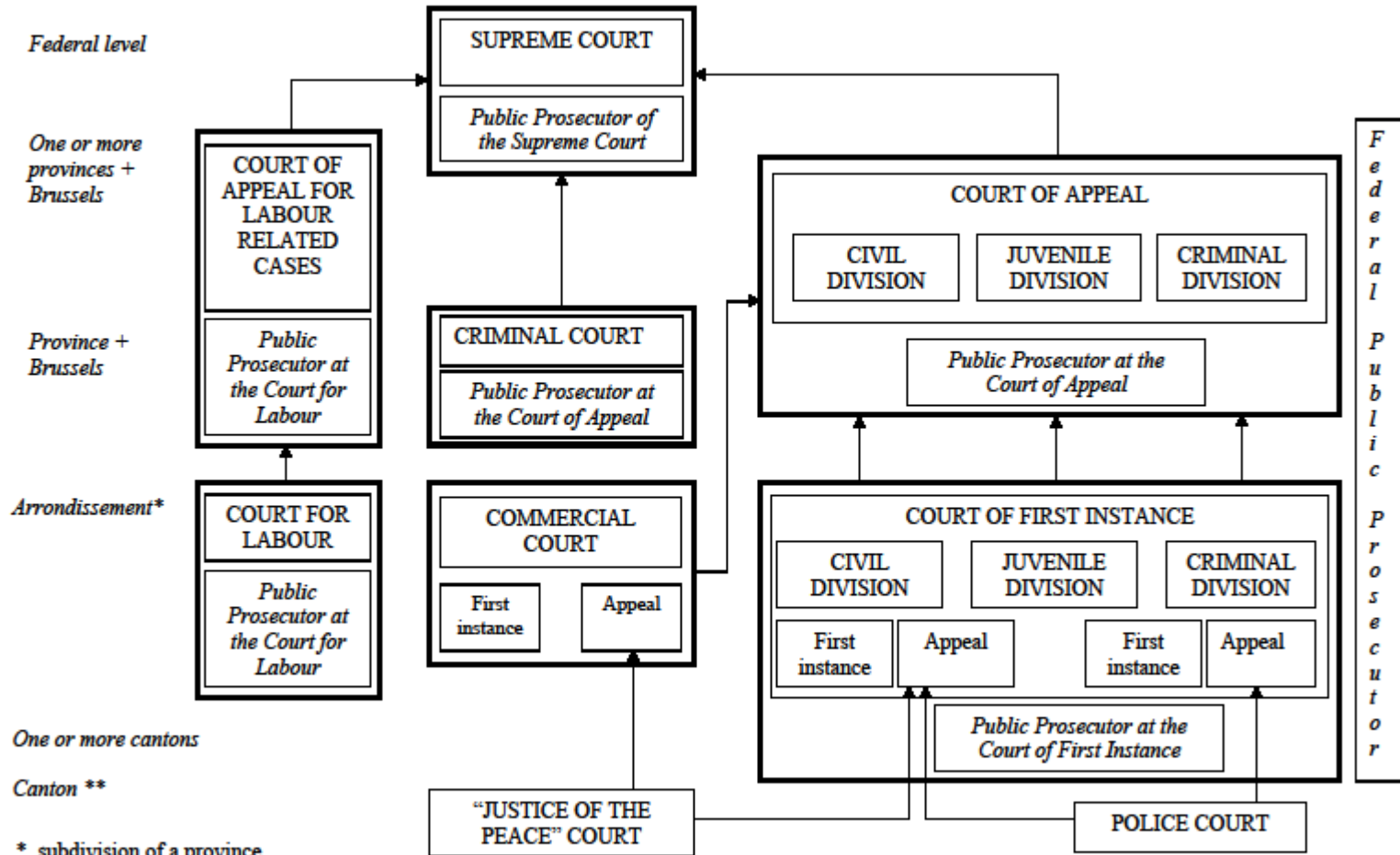
5. Other initiatives

5.1 Have other initiatives concerning timeliness been undertaken or are they contemplated? [No](#)

SUMMARY: JURISDICTION OF ORDINARY COURTS IN BELGIUM

	SUBJECT MATTER	FIRST INSTANCE	APPEAL
Criminal proceedings	a. Road traffic offences	a. Police court	a. Court of first instance (criminal division)
	b. Criminal offences	b. Court of first instance (criminal division)	b. Court of appeal
	c. Crimes, violation of laws governing the press (with the exception of racism and xenophobia) and political offences	c. Criminal court (jury)	c. No appeal
	d. Minors	d. Court of first instance (juvenile division)	d. Court of appeal (juvenile division)
Civil proceedings	a. Under the specific jurisdiction of the justice of the peace, e.g. rented property disputes	a. "Justice of the peace"	a. Court of appeal (civil division), except where the amount involved is less than 1,860 €
	b. Compensation following a traffic accident	b. Police court	b. Court of first instance (civil division), except where the amount involved is less than 1,240 €
	c. Under the specific jurisdiction of the court of first instance, e.g. divorces	c. Court of first instance (civil division)	c. Court of appeal (civil division), except where the amount involved is less than 1,860 €
	d. Where no specific jurisdiction: - Less than 1,860 € - More than 1,860 €	d. "Justice of the peace" or court of first instance - "Justice of the peace" - Commercial court	d. Court of first instance or court of appeal - Except where the amount involved is less than 1,240 € - Court of appeal (civil division)
	e. Specific jurisdiction vis-à-vis minors	e. Court of first instance (juvenile division)	e. Court of appeal (juvenile division)
Commercial proceedings	a. Commercial acts - Less than 1,860 € - More than 1,860 €	"Justice of the peace" or commercial court - "Justice of the peace" - Commercial court	Commercial court or court of appeal (civil division) - Commercial court except where the amount involved is less than 1,240 € - Court of appeal
	b. Jurisdiction for certain matters such as bankruptcies	Commercial court	Court of appeal
Employment and social affairs	Employment law and social security law	Labour court	Court of appeal for labour related cases

GENERAL SURVEY OF THE BELGIAN JUDICIAL SYSTEM



* subdivision of a province
 ** subdivision of an arrondissement